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# **USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)**

**MONTHLY REPORT: April 2014**

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## **I. PROGRAM-RELATED ACTIVITIES AND TASKS**

### **RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM**

#### **1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia**

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

#### **1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved**

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the MJA, CAA, and other LPAs as well as CSOs. The sections below outline the follow up activities and events carried out during April 2014 that built on the implementation of the training program.

##### **1.2.1 Other Support for LPAs**

##### ***Macedonian Young Lawyers Association (MYLA)***

In April, JSP worked on procuring design and printing services for the publishing of the Analysis on the Challenges, Problems, and Perspectives of the Legal Profession in Macedonia, a document that stemmed out of the MYLA National Conference in December 2013, which was also supported by the project. The analysis was finalized in March 2014 along with the conclusions from the discussions at the Conference. JSP expects the document to be printed and distributed in May 2014.

On April 11, with support from JSP, MYLA completed a successful one-day training session on Project Cycle Management for members of the European Law Students Association (ELSA). This assistance is described in greater detail in the ELSA section.

##### ***Court Administration Association (CAA)***

In cooperation with the CAA, the project organized a workshop on April 15-16 for process mapping of the courts' IT operations. This activity supports implementation of the Netherland/Slovenia study tour action plan related to the ICT and is described in detail under Result 3, *Support implementation of the Year 2 study tour Action Plan related to ICT*.

On April 23, the JSP team met with the CAA President to discuss the project's support in the organization of the CAA Fifth Annual Assembly. The project agreed to support to cover the lodging of the participants to ensure their presence. The agenda will include the CAA's proposed revisions to the Law on Court Services (LCS), as well as the Courts' House Rules and regulations for personal data protection. The Assembly will take place on May 28-30 in Tetovo. The CAA is also working on its newsletter, which will be printed with JSP support and be ready to distribute at the Assembly.

On April 28-29, the JSP supported the second roundtable for finalizing proposed changes to the LCS. Nineteen CAA members participated in the roundtable, including 7 court

administrators, 10 court clerks, and 2 court police representatives. The group used the text of the amendments prepared at the first roundtable held in February as a basis for discussion.

### ***European Law Students Association (ELSA)***

**ELSA Website.** On April 8, after a competitive procurement process, the project signed a subcontract with local vendor Virgo Computers to develop ELSA's website. Coordination meetings were held between ELSA and the selected vendor to inform the website's draft design and start populating the contents of the site. The website will be fully operational and launched during May 2014. The webpage will consist of two platforms: one designed for public use containing general information about ELSA's activities and contact information and a second accessible to ELSA members only with an array of services and tools, including an online library of relevant publications for the students, administrative forms to process university related issues, and an online mechanism to apply for internship programs.

**ELSA Membership and Brochure promotion.** On April 17, the JSP supported a membership drive event at University "Goce Delchev" in Shtip. Four ELSA members delivered a detailed presentation on ELSA's structure and activities and member opportunities. The presenters reviewed and distributed two brochures: "Organizational System of the Judiciary in Macedonia" and "Prevention instead of Punishment – System of Juvenile Justice" to approximately 70 participants. The brochures were developed by ELSA and published with JSP support. The objective of this event was to attract new members from the University and ultimately create a local ELSA group in Shtip.

**Training and Cooperation.** The project continued to promote cooperation among LPAs with a second training completed on Project Cycle Management. MYLA conducted the training on April 11 to strengthen the capacities of the ELSA's current Executive Board as well as proactive members to be part of the next board. Fourteen ELSA members participated on the training.

The participants were introduced to the project cycle management process and through practical exercises were able to identify three topics for future ELSA projects: Hate Speech, Rights of the LGBT Community, and Reform of Legal Education in Macedonia. Furthermore, the trainers informed the students about ongoing requests for proposals from the US Embassy, Norwegian Embassy, the USAID Civil Society Project, European Youth Foundation, and TASCO (Technical Assistance for Civil Society Organizations) to which ELSA can send in applications.

**Brochure on free access to public information.** JSP organized and facilitated a series of meetings between ELSA and the Commission for Free Access to Public Information for developing a Brochure on free access to information. The last meeting was held on April 2 to implement the Commission's final comments into the brochure. The final text was translated into Albanian, reviewed by the Commission, and sent back to the project on April 28 for printing. The project will print and support the distribution of 2,000 bilingual (in Macedonian and Albanian) copies of the brochure in May.

### ***Macedonian BAR Association***

**Bar Association Website.** After following a competitive procurement process, the project signed a subcontract with local vendor Fridge Check for the development of the Bar Association's website on April 28. The project will facilitate meetings between the association and the developer to ensure the effective completion of the website by late May.

### ***Association for Emancipation, Solidarity and Equality of Women (ESE)***

**Bench book on domestic violence for judges.** During this month JSP and ESE continued preparations for the May visit of US Judge Michael Kavanagh, who will assist a working group, composed of five basic court judges and two public prosecutors, in the development of a bench book on domestic violence. The first meeting of the working group was held on April 24 to share opinions about the contents of the bench book and agree on the dynamics of the working group. It was concluded that the group will meet once a month to work on the contents of the bench book so that the first draft will be prepared by November.

### **1.2.2 Building Broad-Based Coalition of LPAs**

The Rule of Law Coalition (ROLC)'s 2014 – 2015 strategic plan was finalized in March. On April 14, a ROLC coordination meeting was held at JSP office to review the activities outlined in the strategic plan and agree on further steps. During the meeting, MYLA pledged to create a mailing list of potential ROLC stakeholders and open a domain for the ROLC website and e-mail addresses. The CAA volunteered to create the logo and visual identity of the ROLC. All the founding organizations –MYLA, CAA, and ELSA- will work on the development of the criteria for selection of individual members of the ROLC.

Kaizen's final report, including recommendations for future coalition activities and subsequent JSP support was submitted to USAID in late April. The project expects to continue providing assistance and hosting ROLC coordination meetings until June 2014. Effective June 2014, MYLA will take the reins of the coalition as the presiding organization.

## ***RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES***

### **2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System**

#### **2.1.1 Review and Advocacy of Laws by the Judiciary**

##### ***Judicial Branch Forum (JBF) Follow-up***

On April 4, JSP hosted a meeting to define trainings topics on key provisions to the Law on Civil Procedures (LCP) with the President of the Judicial Council (JC), President of the Supreme Court (SC), president judges of all appellate courts, the Director of the Judicial Training Academy (Academy), and the President of the Macedonian Judges Association (MJA). Topics suggested by the participants included: service of process, revision as extra-ordinary legal remedy, determination of case value, payment orders, burden of proof, expert testimony, and relations of the court with enforcement agents and notaries.

The following conclusions were reached at the meeting:

1. The civil departments of all appellate courts will have internal meetings by April 30 and invite the heads of the basic courts civil departments under their jurisdiction to propose topics for the upcoming LCP trainings.
2. MJA will organize a meeting with representatives of the Chambers of Enforcement Agents, Notary Chamber, and the Macedonian Bar Association by May 20 to outline their problems with the implementation of the current LCP provisions. This meeting would be attended by the president judges of the four appellate courts and three representatives of each of the chambers.

3. The next (Sixth) Judicial Branch Forum will take place on 26-27 June in Mavrovo, at which all the proposals for training topics will be compiled and a decision will be made regarding the final agenda and trainers.

4. The first LCP training for the judges from the appellate courts Bitola and Gostivar will be organized in September 2014.

## **2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System**

### **2.2.1 Strategic Plan for the Judiciary**

As previously reported, JSP engaged local subcontractor CIRa to support the development of the Judiciary's 2014-2016 Strategic Plan. During April, CIRa worked on finalizing the Strategic Plan budget and submitted the final version of the plan for JSP's review on April 23. The project sent final comments to CIRa on April 28 and expected to get and submit a final version to the JC by early May. However, due to the JC's decision to revise the Strategic Plan introduction, the deadline for the submission of the document has been postponed until late May.

### **2.2.2 Assist courts to improve transparency and communication with public and media**

The project continued to support publications that contribute to increased transparency of the judiciary and communications with the public. Based on its successful experience in 2013, the project sent letters to the four appellate courts offering support in the preparation and publication of the courts' 2013 annual reports. The annual reports of the four appellate regions were sent to JSP by April 25 and subsequently sent out for printing on April 30. The reports will be distributed to all civil judges during May. The annual reports contain data on the number of judges, number of cases for the current year, and highlight courts' achievements per appellate region.

### **2.2.3 Support Development of Needs-Based Budgets**

On April 14 JSP signed a subcontract with the local consulting firm BASME for the delivery of five trainings on financial management, human resources management, projecting case workload, and calculating cost per case. The training will target president judges, heads of court departments, court administrators, and court finance staff of the four appellate regions to help courts develop budget proposals in 2015 based on accurate projections of the courts' workload for the next three years.

On April 17 JSP team had a preparation meeting with BASME consultants and the Head of the Administrative Office (AO) of the Court Budget Council (CBC) to define details about the content of the trainings and training methodology. The first training is scheduled for May 6-7 in Strumica for the Shtip appellate region. BASME prepared tables that each court should fill in with data pertaining to the status of workload for the last three years, number of court staff, financial accounts, and salaries. The tables were sent to all courts at the Shtip appellate region along with the invitation for the training and instructions on April 24.

## **RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES**

### **3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff**

#### **3.1.1 Continue training opportunities for judges with the Academy**

Following up on its decision to support the Academy for organizing commercial law trainings, JSP commenced preparations for the first roundtable between the Academy, business chambers, and lawyers.

On April 14, JSP had a second planning meeting with the Senior Advisor of the USAID Investment Development and Export Advancement Support Project (IDEAS) to identify possible topics of the forthcoming roundtable<sup>1</sup>. The following conclusions were reached:

- The roundtable will be held on May 23, 2014
- The four major economic chambers will be invited by IDEAS as well as several other legal professional and business associations (Chamber of Enforcement Agents, Chamber of Mediators, and Chamber of Public Notaries and Chamber of Bankruptcy Trustees)
- The topics for the training may include: recent changes to the Bankruptcy Law, Law on Financial Discipline, new financial instruments for compulsory payment of debts, and the expected difficulties in the implementation of these laws in the judiciary
- The participants suggested the following general title for the training: *“The Influence of the Legal Regulations on the Solvency of Companies.”*

On April 24, JSP met with the Director of the Academy to share the conclusions of this discussion and outline next steps. The Director agreed with the proposed topics and concept for the training. Possible presenters for some of the topics were also identified. At this meeting, participants also discussed possibilities for organizing joint trainings on intellectual property issues. JSP offered to bring international consultants in fall (one from the EU countries and one from USA), once the Academy proposes specific topics.

### **3.2: Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases**

#### **3.2.1 Support for Judicial Sector Automation**

##### ***Electronic Digital Recording of Court Hearings and Trials***

JSP has embedded an Electronic Court Recording (ECR) consultant at BC Skopje II to promote and improve the use of ECR in the Macedonian courts. BC Skopje II is the country's largest civil court with the largest caseload and the highest number of courtrooms with ECR equipment (28).

The consultant has developed a simplified user manual for the ECR system, installed Open Office software to enable exchange of data between the Automated Court Case Management Information System (ACCMIS) and ECR Femida software in 80 courtrooms, and conducted refresher trainings on the use of the ECR equipment for civil judges, court typists, and other

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<sup>1</sup> The first meeting with IDEAS Senior Advisor was held on February 28, 2014.

court personnel in 29 courts. The trainings began on January 20 in the Gostivar Appellate area and continued through April, as follows:

- Basic Court Kocani on April 1
- Basic Court Strumica on April 3
- Basic Court Negotino on April 4
- Basic Court Krusevo on April 15
- Basic Court Prilep on April 16

This round of ECR Femida trainings will be concluded with AC Bitola in the first week of May. The project is considering organizing four additional Train of Trainers rounds for typists –one in each appellate region - during the next two months.

### ***ACCMIS Back up procedures testing at BC Debar***

On April 3 and 4 a testing of the ACCMIS backup procedure was conducted at BC Debar and was attended by the IT Administrators from Gostivar Appellate region courts. The backup procedure and data restoring process passed the test without any significant problems, which confirmed that the written procedure for backup of ACCMIS data is functional in the Gostivar Appellate region.

### ***Support implementation of Netherlands/Slovenia study tour Action Plan related to Information and Communications Technology (ICT) areas***

On April 15-16, 2014, JSP organized a workshop for process mapping of the courts' IT operations. This activity was implemented to support courts' current obligation to prepare and adopt seven sub-regulations for personal data protection, which covers an array of issues related to the ICT operations of the courts.

Twenty-one participants attended the workshop, including courts' officers for protection of personal data, court IT staff, and court administrators. A representative of the Directorate for Personal Data Protection was also present, facilitating the whole discussion and assisting the group with his extensive experience in this area. As a basis for discussion, the group used the draft-regulations prepared by the Basic Court Skopje I. The following seven sub-regulations were developed:

- 1) Regulation for technical measures for providing confidentiality and protection of personal data
- 2) Plan for implementing sub-regulation 1
- 3) Procedure for defining responsibilities of the courts' IT staff and other authorized personnel when processing documents and using courts' IT equipment
- 4) Procedure for disposing documents and cleaning/disposing media devices
- 5) Regulation for video surveillance of courts' premises
- 6) Procedure for backing-up, archiving, and storing personal data
- 7) Procedure for reporting and eliminating incidents in the courts

On April 23, JSP sent the set of regulations to all courts for review and adoption along with several additional documents provided by the Directorate for Personal Data Protection. The project expects that by the end of May all courts in Macedonia will adopt the sub-regulations.

### ***Study Visit to the Supreme Court of Serbia***

On April 24 JSP received a positive response from the Supreme Court of Serbia welcoming the visit of a Macedonian delegation on May 12. The goal of the visit is to get the visitors familiarized with Serbia's systems for publishing court decisions and creating a database of courts' jurisprudence. The Macedonian delegation will include six participants: a SC Justice, the head of the SC's IT Center, a SC judge's advisor, BC Veles IT administrator, and two JSP staff.



### **3.2.2 Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the Administrative Court**

On April 14 JSP signed a subcontract with local consulting firm BASME to conduct a short and focused analysis of the operations and performance of the Administrative Court (AC) and prepare recommendations on how to improve efficiency in this court<sup>2</sup>.

On April 25 JSP COP met with the President of the Administrative Court, Judge Jetmire Ajdini-Bosnjaku, to inform her about the upcoming analysis, its goals, and timeframe for implementation. On April 29, JSP COP introduced Mr. Danilov, director of BASME, to the AC president. Judge Jetmire Ajdini-Bosnjaku was pleased to know that an independent company is going to analyze the work of the court and promised to provide all necessary documents to support this process. The analyzing is going to start on May 10 and is expected to be finished by June 10. The complete analysis with recommendations will be submitted to the project on June 15, 2014.

#### ***Continue Program-funded Study Tours***

**Study tour to the U.S.A. for Members of the Working Group for Differentiated Case Management (DCM).** Based on the recommendations of U.S. expert Marcus Zimmer to improve case management practices in the Macedonian courts, JSP is preparing a study tour to the US for judges members of the working group responsible for implementing the DCM and National Time Standards (NTS) in Macedonian courts. Eight judges, including the President of the Judicial Council of the Republic of Macedonia, will learn about the US courts' successful implementation of DCM and NTS for case processing and subsequently apply this knowledge to the Macedonian Judiciary.

A planning meeting was held at JSP office on April 22 to inform the working group about the timing and content of the study tour as well as sharing relevant materials for introducing DCM and NTS in the Macedonian courts. As a conclusion of the meeting, it was agreed that the working group will prepare flow charts of the civil procedure, labor, family, and commercial type of cases. The charts will be presented in the next meeting of the working group, prior to the study tour.

The study tour is schedule for June 7-15. During April, the project initiated the evaluation of bids for organizing and facilitating the study tour. The project expects to sign a contract to this effect by the first week of May.

## **RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT**

#### ***Refurbishment of a Courtroom at the Faculty of Law in Shtip***

USAID and INL will jointly support the refurbishment of a room at the Goce Delcev University Faculty of Law in Shtip to use it as a courtroom for mock trials and moot court. JSP will oversee the refurbishment while INL will procure the necessary technical equipment. On April 15, a JSP-hired architect conducted a site visit to scan the premises and take final measures. Based on this information, the architect will draft the technical specifications for the refurbishment to be included in a request for proposals to be issued by JSP in May. The

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<sup>2</sup> The AC was created by the Law on Courts in 2006 with the intention of increasing the efficiency of resolving administrative cases while simultaneously decreasing the administrative case backlog. The AC became fully operational in December 2007. Case backlogs, however, have only continued to increase. The project expects to identify bottlenecks in the system and recommend solutions for improving the AC's overall performance.

project expects to engage a local contractor for the refurbishment work and have the activity completed by mid-July.

A meeting with INL and ECR Femida software provider ICS was held on April 29 to coordinate the provision of audio equipment and software for the moot court. It was concluded that ICS will prepare the specifications of the video/audio and protected witness equipment, based on which INL will begin the procurement procedure.

#### ***Procurement of computers for the Administrative Court in Skopje***

Ten computers and monitors were procured to support the needs of the Administrative Court in Skopje. The equipment was delivered and installed at the court on April 25 is fully operational.

## **II. PROBLEMS AND REMEDIAL ACTIONS**

Problems have been minimal and are of the type to be expected in the regular course of implementation.

## **III. ADMINISTRATIVE MATTERS**

On April 1 Ms. Ana Velkovska officially began her full-time assignment with JSP as court administration assistant.

JSP conducted interviews with pre-selected applicants for the JSP's legal internship program on April 14. Based on the conducted interview, the JSP's Selection Committee chose Ms. Dragica Jolevska for the May – June period, Ms. Ljupka Naumovska for the September – October period, and Ms. Natali Bojkovic for the November – December period.

## **IV. SUMMARY OF ACTIVITIES PLANNED FOR MAY 2014**

The summary of activities planned for May 2014 is as follows:

- Follow up on the recommendations from the IT roundtable in Krusevo and oversee the preparation of templates for the internal web site of the courts
- Workshop for the working group in charge of developing the bench book on domestic violence on May 14-16
- Four two-day needs-based budget trainings to be delivered by local company BASME
- BASME to conduct analysis of the performance of the Administrative Court
- Study visit for Macedonian delegation to the Serbia Supreme Court on May 12-13
- Publish 2013 annual reports of the four appellate courts
- Prepare request for proposal for developing Strategic Plans for the Academy, Basic Court Skopje 1, and Basic Court Skopje 2
- Harmonization meeting for civil judges of the four appellate courts in cooperation with the Academy on May 16
- Commercial law training in cooperation with the Academy and USAID IDEAS on May 23
- Organize CAA Annual Assembly on May 28-30
- Complete procurement process for Study Tour to USA on June 8 – 15
- Prepare and issue a request for proposals for the refurbishment of the premises at the Law School in Shtip to be used as moot court
- Support promotion of ELSA in Basic Court Skopje 1 on May 7
- Procure design and printing of MYLA analysis
- Procure design and printing of ELSA brochure on free access to public information.